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**FISCAL IMPACT STATEMENT**

**LS 6432**

**BILL NUMBER:** SB 219

**NOTE PREPARED:** Jan 25, 2008

**BILL AMENDED:** Jan 24, 2008

**SUBJECT:** Lactation Support in the Workplace.

**FIRST AUTHOR:** Sen. Simpson

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☒ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that the state and political subdivisions: (1) shall provide for reasonable paid breaks for an employee to express breast milk for the employee's infant child; (2) must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express the employee's breast milk in privacy; and (3) must make reasonable efforts to provide for a refrigerator or other cold storage for keeping breast milk that has been expressed.

The bill provides that other employers that employ 25 or more individuals, to the extent possible, must provide: (1) a private location for an employee to express the employee's breast milk during any period away from the employee's assigned duties; and (2) a refrigerator or other cold storage space, or allow the employee to provide the employee's own portable storage device, for keeping the expressed milk until the end of the employee's work day. It provides that, except in case of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from: (1) the expressing of an employee's breast milk; or (2) the storage of expressed milk; on the employer's premises.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** The impact on the state would be as an employer. Employers would be required to provide a reasonable paid break time for an employee who needs to express breast milk for the employee's infant child. The break must, if possible, be run concurrently with any break time already provided the employee. The impact to the state would probably be minor.

The bill also requires employers to make reasonable efforts to provide (1) a room or other location, other than a toilet stall, for the employee to express the employee's breast milk in privacy and (2) a refrigerator or other

cold storage for the milk. The impact would depend on the facilities that might be needed and if they can reasonably be provided. The impact would depend on what is determined to constitute a reasonable effort to provide a location and refrigerator to express breast milk. The impact would be minor.

*Background:* There are about 87,000 births in Indiana each year. According to the U.S. Census Bureau, a little over half of all American women with a child less than one were in the labor force in 2002. There might be about 43,500 women with a child under the age of one that might need to express breast milk. As of October 24, 2007, the state had two women on maternity leave.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*. The impact on local units would be as an employer.

**Explanation of Local Revenues:**

**State Agencies Affected:** All.

**Local Agencies Affected:** All.

**Information Sources:** U.S. Census Bureau.

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